

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAITLIN H. DICKERSON,

Plaintiff,

v.

CUSTOMS AND BORDER PROTECTION,

Defendant.

19 Civ. 9017 (JLC)

**STIPULATION AND ORDER
OF DISMISSAL**

WHEREAS, on or about September 27, 2019, Plaintiff Caitlin Dickerson (“Plaintiff”) and former Plaintiff The New York Times Company (the “Times”)¹ filed this suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking the release of certain records by defendant Customs and Border Protection (“CBP”) in connection with FOIA requests submitted by the New York Times Company to CBP dated August 5, 2019 (the “FOIA Requests”);

WHEREAS, CBP responded to the FOIA Requests by producing responsive records on April 7, 2020, June 30, 2020, September 11, 2020, April 12, 2021, April 22, 2021, and June 3, 2021 (the “CBP Productions”);

WHEREAS, the parties have resolved the issues that were to be briefed in their forthcoming cross-motions for summary judgment; and

WHEREAS, IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows:

1. The CBP Productions fully resolve any and all claims that Plaintiff now has or may hereinafter acquire against CBP or the United States of America (the “United States”),

¹ The New York Times Company’s claims against CBP were dismissed pursuant to a stipulation and order of dismissal dated December 22, 2020, *see* Dkt. No. 41.

or any department, agency, officer, or employee of Defendant and/or the United States, related to or arising out of the FOIA Requests, except for any claims for attorneys' fees and costs by Plaintiff under 5 U.S.C. § 552(a)(4)(E).

2. Plaintiff reserves the right to file a claim for fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E) by August 31, 2021, and Defendant reserves its right to oppose any such application.

3. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, this action is hereby dismissed with prejudice; provided, however, that the Court shall retain jurisdiction to adjudicate a request by Plaintiff for attorneys' fees and costs under 5 U.S.C. § 552(a)(4)(E).

Dated: New York, NY
June 10, 2021

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Counsel for Plaintiff

SO ORDERED:

HONORABLE JAMES L. COTT
UNITED STATES MAGISTRATE JUDGE